

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE TENNESSEE

December 22, 2005

IN RE:

**APPLICATION OF EZ PHONE, INC. FOR AUTHORITY
TO PROVIDE OPERATOR SERVICES AND/OR RESELL
TELECOMMUNICATIONS SERVICES IN TENNESSEE
PURSUANT TO RULE 1220-4-2-.57**

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**DOCKET NO.
97-01230**

Company ID: 126385

**ORDER REVOKING AUTHORITY GRANTED TO
EZ PHONE, INC. FOR FAILURE TO PROVIDE
SURETY BOND OR IRREVOCABLE LETTER OF CREDIT**

This matter came before Chairman Ron Jones, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 21, 2005 to consider whether to revoke the authority of EZ Phone, Inc. (the "Company") to conduct business in the State of Tennessee as a public utility for failure to comply with Tenn. Code Ann. § 65-4-125(j) (2004).¹

The Company originally filed its Application for a certificate to provide operator services and/or resell telecommunications services within the State of Tennessee on July 15, 1997.

¹ Tenn. Code Ann. § 65-4-125(j) (2004) provides

By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to § 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, compiled in title 47, chapter 18, part 15, by or on behalf of the authority

During a regularly scheduled Authority Conference held on September 23, 1997, the Directors found that the Company had met all the requirements for certification and the requirements of Tenn. Comp. R. & Regs. 1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-2-102 (2004) and Tenn. Code Ann. § 65-4-201 (2004), and voted unanimously to approve the Application as filed.

A notice advising the Company of its failure to comply with the requirements of Tenn. Code Ann. § 65-4-125(j) (2004) was mailed on July 29, 2005. A second notice was sent via certified mail on August 22, 2005.

As of the November 21, 2005 Authority Conference, the Company had failed to file with the Authority a \$20,000 corporate surety bond or an irrevocable letter of credit to secure the payment of any monetary sanction imposed in any enforcement proceeding. In addition, the Company's certificate to do business in Tennessee issued by the Secretary of State was administratively revoked on October 20, 2005. Accordingly, the panel voted unanimously to revoke the authority of the Company to conduct business in the State of Tennessee as a public utility.

IT IS THEREFORE ORDERED THAT:

The authority of EZ Phone, Inc. granted in Docket No. 97-01230 to conduct business in the State of Tennessee as a public utility is revoked, and this docket is closed.



Ron Jones, Chairman



Deborah Taylor Tate, Director



Sara Kyle, Director